

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

FELIPE PINHEIRO,

Plaintiff,

-v.-

INTERIOR MOGUL LLC and LEONARDO  
DE ALMEIDA,

Defendants.

22 Civ. 09856 (JHR)

DEFAULT JUDGMENT

JENNIFER H. REARDEN, District Judge:

On November 18, 2022, Plaintiff filed the instant action, asserting claims for violations of the Fair Labor Standards Act, 29 U.S.C. §§ 201 *et seq.*, and New York Labor Law, N.Y. Lab. Law §§ 190 *et seq.* and 663. ECF No. 1. On January 12, 2023, Defendants Leonardo De Almeida and Interior Mogul LLC were served with process. ECF Nos. 6, 7. Their answers were therefore due on February 2, 2023. *See* Fed. R. Civ. P. 12(a)(1)(A)(i) (“A defendant must serve an answer . . . within 21 days after being served with the summons and complaint.”). Defendants both failed to answer or otherwise appear.

On October 27, 2023, the Court issued an Order to Show Cause, directing Plaintiff to move for a default judgment by November 3, 2023 or risk dismissal of the case. ECF No. 14. In response, on November 1, 2023, Plaintiff filed for certificates of default for Defendants, ECF Nos. 15, 17, which the Clerk of Court issued that same day, ECF Nos. 19-20. On November 3, 2023, pursuant to Federal Rule of Civil Procedure 55, Plaintiff moved for a default judgment, ECF No. 21, and filed a declaration and a memorandum of law in support, ECF Nos. 22-23.

On November 13, 2023, the Court issued an Order directing Defendants to show cause, by November 29, 2023, as to why a default judgment was not warranted. ECF No. 25. The following day, November 14, 2023, Plaintiff served the Court’s Order on Defendant. ECF

No. 26. To date, Defendants have not opposed the Order or otherwise appeared.


The Court has reviewed Plaintiff's motion for a default judgment and supporting submissions. Because proof of service has been filed; Defendants have failed to answer the Complaint; the time for doing so has expired; and Defendants have failed to appear to contest the entry of a default judgment, the Court enters a default judgment for Plaintiff against Defendants on all claims, in an amount to be determined at an inquest, plus costs, interest, and attorneys' fees to be determined based on a subsequent submission.

By separate Order, the Court will refer this case to Magistrate Judge Robert W. Lehrburger for an inquest into damages. By January 16, 2024, Plaintiff shall serve this Order upon Defendants and file an affidavit reflecting such service.

The Clerk of Court is directed to terminate ECF No. 21.

SO ORDERED.

Dated: January 8, 2024  
New York, New York

  
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JENNIFER H. REARDEN  
United States District Judge